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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,194	10/12/2000	Minoru Waki	001350	2228
7590 12/23/2003				
Armstrong Westerman Hattori McLeland & Naughton 1725 K Street N W Suite 1000 Washington, DC 20006				
			EXAMINER SHOSHO, CALLIE E	
			ART UNIT 1714	PAPER NUMBER

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/673,194

Applicant(s)

WAKI, MINORU

Examiner

Callie E. Shosho

Art Unit

1714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-3 and 9.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Callie E. Shosho
Primary Examiner
Art Unit: 1714

Attachment to Advisory Action

1. Applicants' amendment filed 11/14/03 has been fully considered but it is not persuasive.

Specifically, applicants argue that none of the prior art cited by the examiner is relevant against the present claims given that none of the references disclose that the resin is crosslinked while maintaining the state of dispersion as required in all the present claims.

It is agreed that JP 09255867, Tonogaki et al. (U.S. 5,492,952), and Jakubauskas et al. (U.S. 3,980,602) disclose crosslinking the resin after application of the dispersion to substrate. However, it is noted that the present claims are drawn to a product, i.e. water-based pigment dispersion, not a method of making the pigment dispersion. That is, JP 09255867, Tonogaki et al., and Jakubauskas et al. do disclose crosslinking the dispersant. The only difference is that these references disclose crosslinking the dispersant at a different time than in the present invention. However, in each case, the end result is the same; the dispersant is crosslinked.

It is noted that applicants have filed 1.132 declaration on 5/23/03, which compares water-based pigment dispersion of present invention in which the pigment is dispersed with the thermoplastic resin dispersant followed by crosslinking the dispersant with crosslinking agent, with water-based pigment dispersion outside the scope of the present claims wherein crosslinking agent is merely contained in the pigment dispersion and thus, the thermoplastic resin is not crosslinked with the crosslinking agent. It is shown that pigment dispersion of present invention is superior in terms of stability. However, it is the examiner's position that the declaration does not establish unexpected or surprising results over the cited prior art for the following reasons.

It is the examiner's position that the declaration does not compare the present invention with the "closest" prior art. That is, the declaration compares pigment dispersion where the pigment is dispersed with the thermoplastic resin dispersant followed by crosslinking the dispersant with crosslinking agent with pigment dispersion where the pigment is dispersed with the thermoplastic resin dispersant followed by addition of crosslinking agent wherein the crosslinking agent is merely mixed with the pigment dispersion and the dispersant is not crosslinked with the crosslinking agent. However, JP 09255867, Tonogaki et al., and Jakubauskas et al. do disclose crosslinking the dispersant. The only difference is that these references disclose crosslinking the dispersant at a different time than in the present invention. That is, while the present invention discloses forming pigment dispersion followed by crosslinking dispersant, followed by coating substrate, the references each disclose forming pigment dispersion, followed by coating substrate, followed by crosslinking. However, in each case, the end result is the same; the dispersant is crosslinked.

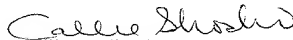
With respect to the added limitation that the resin is crosslinked while "maintaining the state of dispersion", attention is drawn to col.5, lines 6-7 which state that the water-soluble resin having carbonyl groups functions as a dispersant of the pigment. That is, it is the dispersant which forms the dispersion of the pigment. The dispersion is formed because the dispersant disperses the pigment. Thus, even upon the removal of water, as set forth in the cited prior art, so that the crosslinking can occur, a state of dispersion will be maintained because the dispersant would still function so as to disperse the pigment.

NOTE: In order that applicants may respond to examiner's arguments, it is noted that if applicants were to respond to this Advisory Action, such response would be considered even though it is *after-final*.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
12/11/03